

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FUNDAMENTAL SPORTS MANAGEMENT, LLC;	§	
RAHUL PATEL; GRANT GAINES; ROE-BRG	§	
INVESTMENTS, LLC; AND NICOLAS LAHOOD,	§	CIVIL ACTION NO. 5:20-cv-00774-FB
PLAINTIFFS,	§	(LEAD CASE)
	§	
V.	§	(CONSOLIDATED WITH SA-20-CA-775-FB)
	§	
MAYAR ZOKAEI,	§	
DEFENDANT.	§	

JOINT ADR REPORT

Pursuant to Local Rule CV-88, the parties submit this joint report:

Plaintiffs' Statement:

Plaintiff remains open to settlement negotiations.

The parties have exchanged written offers of settlement. Plaintiffs sent a demand on February 1, 2021. The demand was rejected on February 3, 2021. Defendant sent a demand on February 3, 2021. The demand was rejected on February 3, 2021.

Plaintiffs do not believe the following recitation is required by Local Rule CV-88. However, Plaintiffs feel compelled to provide context to the extraneous allegations that Defendant insisted on including in this Joint ADR Report.

The parties also appeared for mediation with Don Philbin, who was selected by mutual agreement between the parties' then-respective attorneys-of-record: (1) Lance H. "Luke" Beshara for Plaintiffs; and (2) John D. Murphy for Defendant. Plaintiffs initially declined to participate in a joint opening session. However, Defendant insisted on a joint opening session. Mr. Philbin relayed this demand to Plaintiffs. Though a joint opening session is never required

in a mediation, Plaintiffs agreed to participate on the condition that Plaintiffs would not turn on their cameras but instead would only listen to Defendant's opening remarks.

After Mr. Philbin made brief introductory statements at the start of the joint opening session, Husein Hadi, purporting to act on behalf of Defendant, began to speak. Mr. Hadi's first command was that he would not proceed with the mediation until Plaintiffs turned on their video cameras. Plaintiffs declined to do so. However, Mr. Beshara, the attorney for Plaintiffs, suggested Mr. Hadi continue with whatever remarks he wished to make. In response, Mr. Hadi became agitated and threatened that he would file a motion for sanctions if Plaintiffs did not turn on their cameras. Mr. Beshara then reminded Mr. Hadi that he was not even the attorney-of-record for Defendant in this civil action. Instead, Mr. Beshara noted that Mr. Murphy, who was also in attendance at the mediation, was the attorney-of-record for Defendant.

Mr. Beshara then questioned whether Mr. Hadi was even licensed to practice in the Western District of Texas because the last time Mr. Beshara had checked, which was well after this Court had issued a letter noting that Mr. Hadi was not licensed to practice in the Western District of Texas, Mr. Hadi was still not licensed to practice in the Western District of Texas. Mr. Hadi became enraged and his appearance disappeared from the Zoom conference. Then a few seconds later, Defendant's appearance also disappeared from the Zoom conference. Mr. Philbin, Mr. Murphy, Mr. Beshara, and Plaintiffs then sat on the Zoom conference unaware of whether technical difficulties had caused Mr. Hadi and Defendant to disappear from the Zoom conference, or if something else explained their disappearance.

It was later discovered that Mr. Hadi and Defendant intentionally left the Zoom conference as opposed to being knocked off by technical difficulties. Mr. Murphy stated that he wished to continue with the mediation and that he would attempt to bring Defendant back to the

mediation. Mr. Philbin, Mr. Beshara, and Plaintiffs waited for probably an hour for Mr. Hadi and Defendant to return to the mediation. Both failed to do so. Instead, Mr. Hadi relayed threats through Mr. Philbin that he would be filing a motion for sanctions. After waiting even longer for Defendant to return (and for Mr. Hadi, if he wished to participate in the mediation, though his attendance was unnecessary), Mr. Philbin called the mediation and excused Mr. Murphy, Mr. Beshara, and Plaintiffs from the mediation.

Defendant Zokaei's Offerings:

The status of settlement negotiations has ended. Mediation, which was conducted on January 29, 2021, failed and demands from both parties have been rejected. The parties have exchanged written offers of settlement. Plaintiffs sent a demand on February 1, 2021. The demand was rejected on February 3, 2021. Defendant sent a demand on February 3, 2021. The demand was rejected on February 3, 2021. The parties appeared for mediation with Don Philbin who from the start, repeatedly stated that he would not place the court on notice of the mediation results. The mediation was not successful due to Counsel for FSM's refusal to turn on their Video Camera, and to acknowledge Attorney Hadi was Licensed in the Western District.

The identities of the persons responsible for settlement negotiations are: (1) Rahul Patel as the primary point of responsibility for all plaintiffs and specifically for himself and Fundamental Sports Management, LLC; (2) Grant Gaines for himself and ROE-BRG Investments, LLC; (3) Nicolas LaHood for himself; and (4) Husein Hadi for Mayar Zokaei.

Respectfully submitted,

/s/ Lance H. "Luke" Beshara
Lance H. "Luke" Beshara
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02/10/2021
Date

/s/ Husein Hadi
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02/10/2021
Date

CERTIFICATE OF SERVICE

I hereby certify that on the date this document was filed with the Clerk of the Court, a true and correct copy was transmitted in accordance with the requirements of the Federal Rules of Civil Procedure, addressed as follows:

Via ECF Service:

John D. Murphy
Husein Hadi

/s/ Lance H. "Luke" Beshara
Lance H. "Luke" Beshara